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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,917	02/08/2001	Clay H. Fisher	50N3695.01/1582	9084

7590

08/03/2004

Gregory J. Koerner
SIMON & KOERNER LLP
Suite B
10052 Pasadena Avenue
Cupertino, CA 95014

EXAMINER

VIEAUX, GARY

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 08/03/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

SF

Office Action Summary

Application No.

09/781,917

Applicant(s)

FISHER ET AL.

Examiner

Gary C. Vieaux

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 08 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

5 A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10 **Claims 1-9, 12-15, 21-29, 32-35 and 42** are rejected under 35 U.S.C. 102(b) as being anticipated by Steinberg et al. (US #6,006,039.)

Regarding claim 1, Steinberg teaches a system for manipulating image data, comprising: a data source configured to store one or more ancillary data files (fig. 1 indicator 14, col. 4 lines 32-44; fig. 1 indicator 12, col. 3 lines 52-54; fig. 1 indicator 22, col. 4 lines 16-21); an imaging device configured to capture said image data (fig. 1 indicator 10, col. 4 lines 36-44); and an ancillary data module (fig. 4 indicator 122) for transferring said one or more ancillary data files from said data source to said imaging device for manipulating said image data (col. 2 lines 17-20, col. 7 lines 5-19.)

Regarding claim 2, Steinberg teaches all the limitations of claim 2 (see the 102(b) rejection to claim 1 supra), including teaching a system wherein said data source includes one of a computer in a distributed computer network, an image station site on an Internet network, a stand-alone computer device (fig. 1 indicator 14, col. 3 lines 57-60), a portable electronic device (fig. 1 indicator 12, col. 3 lines 52-54), and a removable non-volatile memory device (fig. 1 indicator 22, col. 4 lines 16-21.)

Regarding claim 3, Steinberg teaches all the limitations of claim 3 (see the 102(b) rejection to claim 1 supra), including teaching a system 1 wherein said ancillary data files include at least one of an image template file (col. 5 lines 10-11), a text overlay file (col. 5 lines 6-16), an image background file, an Internet webpage file, and a program
5 instruction file (col. 4 lines 32-40.)

Regarding claim 4, Steinberg teaches all the limitations of claim 4 (see the 102(b) rejection to claim 1 supra), including teaching a system wherein said imaging device includes at least one of a digital still camera device (col. 3 lines 22-23, col. 7 lines 24-30), a video camera device, and an electronic scanner device.

10 Regarding claim 5, Steinberg teaches all the limitations of claim 5 (see the 102(b) rejection to claim 1 supra), including teaching a system wherein said one or more ancillary data files are transferred from said data source to said imaging device by utilizing at least one of a wireless transmission process (col. 3 lines 45-49, col. 4 lines 1-7) and a hard-wired transmission process (col. 3 lines 52-56, col. 4 lines 7-15.)

15 Regarding claim 6, Steinberg teaches all the limitations of claim 6 (see the 102(b) rejection to claim 1 supra), including teaching a system wherein said ancillary data module manipulates said image data by combining selected ones of said ancillary data files with said image data to generate new composite data (col. 5 lines 10-16.)

20 Regarding claim 7, Steinberg teaches all the limitations of claim 7 (see the 102(b) rejection to claim 1 supra), including teaching a system wherein said imaging device includes at least one of a capture subsystem (fig. 4 indicators 142, 144 and 145) and a control module (fig. 4 indicator 122), said control module having at least one of a central

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processing unit (fig. 4 indicator 122, col. 3 lines 23-24), a memory (fig. 4 indicator 126, col. 3 lines 23-24), a viewfinder, and one or more input/output interfaces (figs. 1 and 4 indicators 16, 18, and 20, col. 3 lines 24-28.)

Regarding claim 8, Steinberg teaches all the limitations of claim 8 (see the 102(b)

5 rejection to claim 7 supra), including teaching a system wherein said memory includes at least one of an application software program (col. 5 line 47-48), an operating system (col. 5 lines 44-48, 53-58), said ancillary data module, said one or more ancillary data files (col. 5 lines 49-58), a display manager, data storage for storing said image data (col. 7 line 21), and one or more camera menus for display upon said viewfinder.

10 Regarding claim 9, Steinberg teaches all the limitations of claim 9 (see the 102(b)

rejection to claim 7 supra), including teaching a system wherein said one or more input/output interfaces include at least one of a distributed electronic network interface, a host computer interface (fig. 1 indicators 16, col. 3 lines 24-28, 57-60), a printer interface, a wireless communications interface (fig. 1 indicator 20, col. 3 lines 24-28), a
15 user interface (fig. 1 indicator 26, col. 4 lines 40-42), and a removable storage media interface (fig. 1 indicator 18, col. 3 lines 24-28).

Regarding claim 12, Steinberg teaches all the limitations of claim 12 (see the

102(b) rejection to claim 1 supra), including teaching a system wherein said one or more ancillary data files are created by at least one of a system user on a local
20 computer device (col. 4 lines 32-38) and a system manufacturer utilizing ancillary-data production equipment (col. 4 lines 16-27.)

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Regarding claim 13, Steinberg teaches all the limitations of claim 13 (see the 102(b) rejection to claim 1 supra), including teaching a system wherein said data source is configured to facilitate interactively accessing, manipulating, and downloading said one or more ancillary data files to said imaging device by a system user (fig. 2, col. 5 lines 16-30.)

Regarding claim 14, Steinberg teaches all the limitations of claim 14 (see the 102(b) rejection to claim 1 supra), including teaching a system wherein said imaging device establishes an active communication path to said data source, said active communication path being established by at least one of an automatic connection protocol and a user-initiated connection protocol (col. 4 lines 32-38; col. 5 lines 26-40.)

Regarding claim 15, Steinberg teaches all the limitations of claim 15 (see the 102(b) rejection to claim 14 supra), including teaching a system wherein said ancillary data module performs one or more on-line management procedures while said active communication path is available, said one or more on-line management procedures including at least one of a data-source content review and an ancillary-data file download procedure (fig. 2.)

Regarding claims 21-29 and claims 32-35, although the wording is different, the material is considered substantively equivalent to claims 1-9 and 12-14, respectively, as discussed above.

Regarding claim 42, Steinberg teaches a system for manipulating image data, comprising: means for storing one or more ancillary data files (fig. 1 indicator 14); means for capturing said image data (fig. 1 indicator 10); means for transferring said

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one or more ancillary data files from said means for storing to said means for capturing (fig. 1 indicators 20,22, and 38); and means for manipulating said image data with said one or more ancillary data files (fig. 4 indicator 122.)

5

Claims 1-17, 21-37 and 42 are rejected under 35 U.S.C. 102(b) as also being anticipated by Sarbadhikari et al. (US #5,477,264.)

Regarding claim 1, Sarbadhikari teaches a system for manipulating image data, comprising: a data source configured to store one or more ancillary data files (fig. 2 indicator 24, col. 2 lines 54-56; fig. 11 indicator 4, col. 11 lines 26-37); an imaging device configured to capture said image data (col. 2 lines 52-54); and an ancillary data module for transferring said one or more ancillary data files from said data source to said imaging device (fig. 2 indicators 20, 18, and 22; col. 6 lines 10-37; col. 7 lines 30-65;) for manipulating said image data (col. 10 lines 30-36.)

15 Regarding claim 2, Sarbadhikari teaches all the limitations of claim 2 (see the 102(b) rejection to claim 1 supra), including teaching a system wherein said data source includes one of a computer in a distributed computer network, an image station site on an Internet network, a stand-alone computer device (fig. 11 indicator 4, col. 11 lines 26-37), a portable electronic device, and a removable non-volatile memory device (fig. 2 indicator 24, col. 6 lines 54-59.)

Regarding claim 3, Sarbadhikari teaches all the limitations of claim 3 (see the 102(b) rejection to claim 1 supra), including teaching a system wherein said ancillary

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data files include at least one of an image template file (figs. 8 and 9, col. 6 lines 56-59), a text overlay file (col. 5 line 25-27), an image background file, an Internet webpage file, and a program instruction file (col. 4 line 57 - col. 5 line 40.)

5 Regarding claim 4, Sarbadhikari teaches all the limitations of claim 4 (see the 102(b) rejection to claim 1 supra), including teaching a system wherein said imaging device includes at least one of a digital still camera device (col. 5 lines 55-57), a video camera device, and an electronic scanner device.

10 Regarding claim 5, Sarbadhikari teaches all the limitations of claim 5 (see the 102(b) rejection to claim 1 supra), including teaching a system wherein said one or more ancillary data files are transferred from said data source to said imaging device (col. 2 line 50 - col. 3 line 2) by utilizing at least one of a wireless transmission process and a hard-wired transmission process (fig. 11 indicator 38; col. 11 lines 22-30.)

15 Regarding claim 6, Sarbadhikari teaches all the limitations of claim 6 (see the 102(b) rejection to claim 1 supra), including teaching a system wherein said ancillary data module manipulates said image data by combining selected ones of said ancillary data files with said image data to generate new composite data (col. 10 line 33-39.)

20 Regarding claim 7, Sarbadhikari teaches all the limitations of claim 7 (see the 102(b) rejection to claim 1 supra), including teaching a system wherein said imaging device includes at least one of a capture subsystem (fig. 2 indicator 10) and a control module (fig. 2 indicators A and B), said control module having at least one of a central processing unit (fig. 2 indicator 20), a memory (fig. 2 indicator 32, indicator 31), a viewfinder, and one or more input/output interfaces (fig. 2 indicators 21 and 26.)

Regarding claim 8, Sarbadhikari teaches all the limitations of claim 8 (see the 102(b) rejection to claim 7 supra), including teaching a system wherein said memory includes at least one of an application software program, an operating system (col. 7 lines 60-67), said ancillary data module, said one or more ancillary data files (col. 8 lines 52-58, col. 10 lines 5-6), a display manager, data storage for storing said image data, and one or more camera menus for display upon said viewfinder.

Regarding claim 9, Sarbadhikari teaches all the limitations of claim 9 (see the 102(b) rejection to claim 7 supra), including teaching a system wherein said one or more input/output interfaces include at least one of a distributed electronic network interface, a host computer interface (fig. 11 indicator 34), a printer interface, a wireless communications interface, a user interface (fig. 2 indicator 21), and a removable storage media interface (fig. 2 indicator 26.)

Regarding claim 10, Sarbadhikari teaches all the limitations of claim 10 (see the 102(b) rejection to claim 1 supra), including teaching a system wherein said ancillary data module includes at least one of a download manager for transferring said ancillary data files from said data source to said imaging device and analyzing said ancillary data files (col. 7 lines 30-67), an editing module for combining said one or more ancillary data files with said image data, a data manager for controlling and reorganizing said one or more ancillary data files, and miscellaneous routines that include a conversion routine for translating said one or more ancillary data files into a compatible format.

Regarding claim 12, Sarbadhikari teaches all the limitations of claim 12 (see the 102(b) rejection to claim 1 supra), including teaching a system wherein said one or more ancillary data files are created by at least one of a system user on a local computer device and a system manufacturer utilizing ancillary-data production
5 equipment (col. 6 lines 58-63.)

Regarding claim 11, Sarbadhikari teaches all the limitations of claim 11 (see the 102(b) rejection to claim 1 supra), including teaching a system wherein said one or more ancillary data files each include a data portion and a corresponding descriptor tag that is analyzed by said ancillary data module to identify, characterize, and categorize a
10 corresponding one of said one or more ancillary data files (col. 4 lines 58-63, col. 7 lines 31-44.)

Regarding claim 13, Sarbadhikari teaches all the limitations of claim 13 (see the 102(b) rejection to claim 1 supra), including teaching a system wherein said data source is configured to facilitate interactively accessing, manipulating, and downloading said
15 one or more ancillary data files to said imaging device by a system user (col. 7 lines 38-50.)

Regarding claim 14, Sarbadhikari teaches all the limitations of claim 14 (see the 102(b) rejection to claim 1 supra), including teaching a system wherein said imaging device establishes an active communication path to said data source (col. 4 lines 44-
20 47), said active communication path being established by at least one of an automatic connection protocol (col. 7 lines 30-65) and a user-initiated connection protocol (col. 4 lines 46-47.)

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Regarding claim 15, Sarbadhikari teaches all the limitations of claim 15 (see the 102(b) rejection to claim 14 supra), including teaching a system wherein said ancillary data module performs one or more on-line management procedures while said active communication path is available, said one or more on-line management procedures

5 including at least one of a data source content review (col. 7 lines 32-40, 54-57) and an ancillary-data file download procedure (col. 7 lines 60-65.)

Regarding claim 16, Sarbadhikari teaches all the limitations of claim 16 (see the 102(b) rejection to claim 15 supra), including teaching a system wherein said ancillary data module downloads a special instruction file that corresponds to a selected ancillary

10 data file, said special instruction file including information that instructs said imaging device how to correctly utilize said selected ancillary data file, said special instruction file being formatted as at least one of an embedded instruction file that is embedded in said selected ancillary data file and a discrete instruction file that is not embedded in said selected ancillary data file (col. 10 lines 43-50; col. 9 line 51 – col. 10 line 18.)

15 Regarding claim 17, Sarbadhikari teaches all the limitations of claim 17 (see the 102(b) rejection to claim 15 supra), including teaching a system wherein said imaging device terminates said active communication path to said data source when said on-line management procedures have been completed, said active communication path being terminated by at least one of an automatic termination protocol and a user-initiated

20 termination protocol (fig. 3, col. 9 lines 3-14.)

Regarding claims 21-37, although the wording is different, the material is considered substantively equivalent to claims 1-17, respectively, as discussed above.

Regarding claim 42, Sarbadhikari teaches a system for manipulating image data, comprising: means for storing one or more ancillary data files (fig. 11 indicator 4); means for capturing said image data (fig. 11 indicator 1a and 1b); means for transferring said one or more ancillary data files from said means for storing to said means for capturing (fig. 11 indicator 38); and means for manipulating said image data with said one or more ancillary data files (fig. 11 programmable processor.)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims **18-20 and 38-40** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sarbadhikari in view of Anderson (US #6,177,957.)

Regarding claim 18, Sarbadhikari teaches all the limitations of claim 18 (see the 102(b) rejection to claim 17 supra), except for teaching a system wherein said ancillary data module performs an off-line management procedure for said one or more ancillary data files that have been downloaded from said data source, said off-line management procedure including a file descriptor identification procedure by which said ancillary data module categorizes said one or more ancillary data files, said imaging device responsively updating camera menus to include said one or more ancillary data files to thereby enable a system user to utilize said one or more ancillary data files. Anderson

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teaches a system wherein said ancillary data module performs a management procedure for said one or more ancillary data files from said data source, said management procedure including a file descriptor identification procedure (fig. 7 and 8) by which said ancillary data module categorizes said one or more ancillary data files,

5 said imaging device responsively updating camera menus (col. 8 lines 49-51) to include said one or more ancillary data files to thereby enable a system user to utilize said one or more ancillary data files (fig. 4 indicator 422; fig. 5 indicator 540; figs. 7 and 8; col. 8 line 1 – col. 9 line 19.) Anderson differs from Sarbadhikari in that the management procedure occurs on-line with the data source, while Sarbadhikari teaches the

10 downloading of files prior to conducting off-line file activity and/or file management. It would have been obvious to one of ordinary skill in the art at the time the invention was made to download the ancillary data files into the memory of the imaging device prior to its off-line use as taught by Sarbadhikari in order to enable use of the data without further need for or further connection to the data source, as well as to allow for display

15 of the newly added functions in via a user interface ('957 col. 1 lines 54-67.)

Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to perform the management procedure as taught by Anderson with the system as taught by Sarbadhikari. One of ordinary skill in the art at the time the invention was made would have been motivated to employ such a procedure, which

20 included a file descriptor identification procedure to categorize the ancillary data files, and the imaging device responsively updating camera menus accordingly, in order to properly identify the files being downloaded and then place them accordingly into their

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respective logical locations within the menu structure to allow for ease of use by the user when displayed.

Regarding claim 19, Sarbadhikari teaches all the limitations of claim 19 (see the 103 rejection to claim 18 supra), except for teaching a system wherein said off-line

5 management procedure includes at least one of a file reorganization procedure ('957 col. 9 lines 1-6) and a file deletion procedure.

Regarding claim 20, Sarbadhikari teaches all the limitations of claim 20 (see the 103 rejection to claim 18 supra), except for teaching a system wherein said imaging device utilizes an editing module (fig. 2 indicator 22) from said ancillary data module to
10 effectively combine selected ones of said one or more ancillary data files with one or more images from said image data to thereby create a new composite image (col. 5 lines 22-24, col. 10 lines 30-36.)

Regarding claims 38-40 although the wording is different, the material is considered substantively equivalent to claims 18-20, respectively, as discussed above.

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Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Steinberg et al. (US #6,006,039). Steinberg teaches a computer-readable medium comprising program instructions for manipulating image data by performing the steps of: storing one or more ancillary data files in a data source (col. 4 lines 32-36); capturing
20 said image data with an imaging device (col. 4 lines 40-42); transferring said one or more ancillary data files from said data source to said imaging device by using an ancillary data module (col. 4 lines 32-40); and manipulating said image data with said

one or more ancillary data files (col. 4 lines 42-44.) Official Notice is taken that in order for these program instructions to work as described in a processing device, each of these steps must have been stored, at one point in time, within a computer-readable medium, then downloaded accordingly into a corresponding processing device and its
5 associated memory; a concept which is well known and expected in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to also have consolidated each of these individual programming steps into a larger set of linked program instructions so that they may also be downloaded from a computer-readable medium on which they were stored, into a processor and its associated
10 memory; a task made simpler by their overall consolidation into one set of instructions.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

15 Steinberg et al. (US #6,750,902 and 6,628,325) disclose camera network communication devices.

Fitchner et al. (US #6,360,362) discloses automatic update of camera firmware.

Anderson et al. (US #5,938,766) discloses a removeable memory device for introducing new extensions into the camera system.

20 Takizawa et al. (US #5,734,425) discloses a camera with a replaceable digital processing program.

Fukuoka (US #6,104,430) discloses control programs inputted via an I/O card.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary C. Vieaux whose telephone number is 703-305-9573. The examiner can normally be reached on Monday - Friday, 8:00am - 4:00pm.

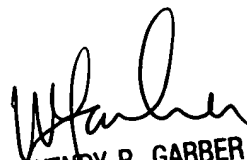
5 If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for
10 published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

15

Gary C. Vieaux
Examiner
Art Unit 2612

Gcv2


WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600